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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,337	01/09/2001	Joseph M. Salvani	1127-24	5510

25881 7590 10/06/2004

EPSTEIN DRANGEL BAZERMAN & JAMES, LLP  
60 EAST 42ND STREET  
SUITE 820  
NEW YORK, NY 10165

EXAMINER


NGUYEN, NGA B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/757,337	<b>Applicant(s)</b> SALVANI, JOSEPH M. 	
	<b>Examiner</b> Nga B. Nguyen	<b>Art Unit</b> 3628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office Action is the answer to the communication filed on January 9, 2001, which paper has been placed of record in the file.
2. Claims 1-27 are pending in this application.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 23-25 are rejected under 35U.S.C. 102(e) as being anticipated by Gregory, U.S. Patent No. 6,490,567.

Regarding to claim 23, Gregory discloses a system for the trading in commercial transactions through brokers over the Internet comprising:

a web document (figures 12-13);

means embedded in such web document for connecting with a server;

means for displaying an web document (figures 12-13 and column 4, lines 30-32; web document embedded in the commerce server 23);

means for selecting one of a multiple of broker/dealers in said commercial transaction provided through the means embedded in such Web document (column 8,

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lines 3-35; the purchaser selects one of a multiple merchants through the website of commerce server 23); and

means for conducting commercial transactions from said original communication means to said selected broker through said server (column 8, lines 36-65; the purchaser purchases a product from the selected merchant).

Regarding to claim 24, Gregory discloses wherein the means embedded in such web document for connecting with a server, communicates with the server through the Internet (column 3, lines 55-65; the web document embedded in the commerce server 23).

Regarding to claim 25, Gregory discloses wherein the web document is displayed in a web browser (figures 12-13 and column 2, lines 48-60; the purchaser can browse or search for products on the commerce server and the merchant content server, thus it is inherent that the purchaser must have a web browser installed in the purchaser's computer system in order to browse or search).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1- 22, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregory, U.S. Patent No. 6,490,567.

Regarding to claim 1, Gregory discloses a method for allowing a trader access in an application that allows access to information via the Internet document to multiple alternative sources for commercial transactions including the steps of:

providing in a web document, an application which provides communication over a network (figure 11 and column 7, lines 54-62; a purchaser connects to the commerce server in order to shop over the network);

allowing the trader to identify himself through said application (figure 11 and column 7, lines 54-62; the purchaser provides purchaser ID and password to the commerce server);

confirming that the trader is authorized to trade using the application (column 7, lines 57-62; the purchaser is authenticated by providing a purchaser password);

selecting through said application one of multiple sources for said commercial transactions (figure 12 and column 8, lines 3-35; the purchaser a merchant from the list of multiple merchants); and

connecting the user to the selected source through said network (figure 13 and column 36-53; the purchaser is connected to the content server of the selected merchant).

Gregory does not disclose confirming that the trader is authorized to conduct trades with the selected source. However, confirming that the trader is authorized to conduct trades with the selected source is well known in the art. Today, most of

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merchant websites (e.g. eBay, uBid, Amazon.com, priceline.com, etc.) requires a purchaser to register to establish an account, the purchaser often provides to the merchant purchaser's name, billing address, shipping address, email address, credit card numbers with expiration dates, etc., the purchaser is provided an ID and password, the purchaser is then required to submit the ID and password in order to be authorized to conduct purchase transaction with the merchant, the merchant extracts the purchaser's information previously submitted to process the transaction, etc...

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Gregory's to include the feature above for the purpose of providing more convenient and time consuming to the purchaser in conducting transaction with the merchant because it eliminates the need for the purchaser to re-enter purchaser's information when conducting subsequent transactions.

Regarding to claim 2, Gregory discloses wherein the application is in communication with an application server (column 4, lines 30-37; the commerce server 23).

Regarding to claim 3, Gregory discloses wherein the application server also supplies the web document and is in communication with the web document and the application through the Internet (column 3, lines 55-65).

Regarding to claim 4, Gregory discloses wherein said application server communicates with a log-in authentication server which confirms that the trader is allowed to use the application, said log-in authentication server also being in communication with application servers for other traders (column 7, lines 54-62).

Regarding to claim 5, Gregory discloses wherein the trader conducts trades in said commercial transactions through said source using the application (column 8, lines 3-60).

Regarding to claims 6-8, Gregory does not disclose wherein the trades are in commercial instruments, stocks, commodity futures, and the sources are broker/dealers and/or electronic exchanges. However, trading commercial instruments, stocks, commodity futures via broker/dealers and/or electronic exchanges over the Internet is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Gregory's to allow broker/dealers to register commercial instruments, stocks, commodity futures with the commerce server for the purpose of providing more convenient, efficiency and time consuming for the purchaser in trading commercial instruments, stocks, commodity futures over the Internet, because it eliminates the need for the purchaser to call up each broker/dealer's website separately by entering the Internet address of broker/dealer in his browser.

Regarding to claims 9-10, Gregory discloses wherein the trades are in goods and services and the sources are vendors of such goods and services (column 2, lines 28-38).

Regarding to claim 11, Gregory discloses wherein the web document is displayed in a web browser (figures 12-13 and column 2, lines 48-60; the purchaser can browse or search for products on the commerce server and the merchant content server, thus it is inherent that the purchaser must have a web browser installed in the purchaser's computer system in order to browse or search).

Regarding to claims 12 and 26, Gregory does not disclose wherein the web document is in an e-mail. However, it is well known in the art to embed a web document or a website's address or a hyperlink to a website in an e-mail, the user can click on the hyperlink to gain access to the website. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Gregory's to include the feature above for the purpose of time consuming because the purchaser does not need to enter the merchant's internet address in his browser.

Regarding to claims 13 and 27, Gregory does not disclose wherein the web document is embedded in a desktop application. However, it is well known in the art to embed a web document in a software program, the user installs the program in his computer and the program allows the user to communicate with the Internet. For example, some of merchants send to the user a CD embedded a software program contains the advertisement of the merchant's products or services, the user installs the program in the user's computer system and the program allows the user to interact with the Internet, then the user can conduct purchase transaction with the merchant. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Gregory's to include the feature above for the purpose of providing more convenient to the merchant because the merchant does not need to store a large amount of data in his server.

Claims 14-22 are written in means and contain similar limitations found in claims 1, 6, 7, 9, 3, 4, 11-13, respectively, therefore, are rejected by the same rationale.



***Conclusion***

7. Claims 1-27 are rejected.
8. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure:

Danneels et al. (US 6,272,472) disclose the dynamic linking of supplier web sites to reseller web sites in the context of electronic commerce.

Arnold et al. (US 6,016,504) disclose a method for establishing and maintaining a virtual outlet ("VO") relationship on the Internet between an entity that controls and manages a Web site constituting a VO and a merchant that controls and manages a different Web site.

Wolff (US 6,247,047) discloses method and apparatus for facilitating computer network transactions.

Bezos et al. (US 6,029,141) disclose an Internet-based referral system that enables individuals and other business entities ("associates") to market products, in return for a commission, that are sold from a merchant's Web site.

Harrington (US 5,895,454) discloses integrated interface for vendor/product oriented internet websites.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (703) 306-2901. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (703) 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-1113.

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

(703) 872-9326 (for formal communication intended for entry),

or

(703) 308-3691 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen



September 24, 2004